

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CARL BRADLEY,

Petitioner,

v.

ATTORNEY GENERAL OF THE STATE
OF NEVADA., et al.

Respondents.

Case No. 2:13-cv-01196-RFB-CWF

ORDER

On November 13, 2016, this Court held a status conference to discuss the precise scope of the discovery Petitioner Carl Bradley is seeking. The Court wanted to determine what remaining discovery is in Respondents' possession, and whether any further discovery needs to be compelled on Petitioner's behalf.

The Court having heard oral argument on November 13, 2016, finds there is good cause to warrant discovery based on Rule 6A of the Rules Governing §2254 Petitions.

IT IS ORDERED that Petitioner, by counsel is hereby **GRANTED** leave to serve subpoenas on the Clark County District Attorney's Office, the Las Vegas Metro Police Department and Forensic Lab, and the Federal Bureau of Prisons.

The information Petitioner seeks from the Clark County District Attorney's Office and the Las Vegas Metropolitan Police Department had previously been turned over to Petitioner as part of discovery in the state case and is unavailable to counsel through any other means. Additionally, good cause exists to obtain records from the Bureau of Prisons based on the conditions of Petitioner's confinement.

1 The subpoena directed to the Clark County District Attorney's Office may seek
2 the complete file available regarding Petitioner, Case Nos. 08C244409 and 08C24494,
3 with the exception of documentation identified as attorney work product. Petitioner
4 may also obtain any information related to the destruction of these files, if either one
5 or both of them have in fact been destroyed.

6 The subpoena directed to the Las Vegas, Metro Police Department and
7 Forensic Lab, shall be limited to records related to Petitioner's case numbers
8 identified above, which include I.D. Number 1946691, and Event Numbers 080503-
9 3898 and 071218-0159, previously assigned to the investigation into Petitioner by the
10 Police Department. It may request lab results, witness statements, photographs of
11 crime scenes, police reports, medical records and injury reports from any victims, and
12 the test results of the gun shot residue test.

13 Petitioner must serve the above subpoenas within a week of entry of this
14 Order.

15 IT IS FURTHER ORDERED that the proposed subpoenas submitted by
16 Petitioner to the Court, for the Bureau of Prisons, are hereby approved by the Court.
17 Petitioner shall have until and including **May 15, 2017** to file a first amended petition
18 for writ of habeas corpus.

19 IT IS FURTHER ORDERED that Respondents participation in the hearing on
20 the motion for discovery is not to be construed as a waiver or concession of any kind,
21 and the foregoing deadline, and any extension thereof, neither signifies nor will
22 signify any implied finding of a basis for tolling. Petitioner at all times remains
23 responsible for calculating the running of the federal limitations period and timely
24 asserting any and all claims, without regard to any deadlines established by this
25 Court.
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1 IT IS FURTHER ORDERED that any additional state court record exhibits
2 filed herein by either Petitioner or Respondents shall be filed with a separate index
3 of exhibits identifying the exhibits by consecutive number in such a fashion that will
4 avoid duplicating exhibit numbers of the state court record exhibits already filed in
5 this matter. *See* ECF No. 20-1 through 25-6. The CM/ECF attachments that are filed
6 shall further be identified by the number or numbers of the exhibits in the
7 attachment. And this Court waives the “descriptor” requirement for exhibit cover
8 sheets under LR IA 10-3(e).

9 IT IS FURTHER ORDERED that the parties shall mail courtesy copies of all
10 exhibits to the Reno Division of this Court, and directed to the attention of “Staff
11 Attorney” on the outside of the mailing address label, as previously ordered on July
12 24, 2014. *See* ECF No. 10 at 4. Additionally, although the Local Rules require parties
13 to provide the Court with hard copies of filings that exceed fifty pages, in this case
14 the parties may submit the required courtesy copies in paper form or as PDF
15 documents saved to a CD with each PDF document clearly identified by exhibit
16 number.

17 **DATED:** January 19, 2017.

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20 **RICHARD F. BOULWARE, II**
21 **UNITED STATES DISTRICT JUDGE**
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